

## Message Text

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ACTION IO-13

INFO OCT-01 AF-10 EUR-12 ISO-00 CIAE-00 DODE-00 PM-04  
H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01  
SP-02 SS-15 DHA-02 ACDA-07 USIE-00 INRE-00 NSCE-00  
SSO-00 /084 W

-----290113Z 039156 /63

O 282330Z APR 77

FM AMEMBASSY CAPE TOWN

TO SECSTATE WASHDC NIACT IMMEDIATE 6014

INFO AMEMBASSY BONN

AMEMBASSY DAR ES SALAAM

AMEMBASSY GABORONE

AMEMBASSY LAGOS

AMEMBASSY LONDON

AMEMBASSY LUSAKA

AMEMBASSY MAPUTO

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY PRETORIA

USMISSION USUN IMMEDIATE

C O N F I D E N T I A L SECTION 1 OF 2 CAPE TOWN 0650

E.O. 11652: N/A

TAGS: PFOR, SF, US, XA

SUBJ: NAMIBIA TALKS

REF: A) CAPE TOWN 0643; B) CAPE TOWN 0644

1. SUMMARY: A NUMBER OF INTERESTING DEVELOPMENT CAME OUT OF  
APRIL 28 MEETINGS BETWEEN CONTACT GROUP AND VORSTER AND  
BOTH. "ADMINISTRATIVE REARRANGEMENT" WHICH BOTH HAD  
TALKED ABOUT EARLIER (REFTEL A) INVOLVES A DEVOLUTION OF  
POWER TO A BODY OF SOUTH WEST AFRICANS WHOM THE STATE  
PRESIDENT WILL APPOINT AND EMPOWER TO CARRY OUT SOME  
ADMINISTRATIVE FUNCTIONS IN NAMIBIA WHICH NOW ARE IN THE  
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HANDS OF THE SAG. THIS "ADMINISTRATIVE AUTHORITY" WILL  
NOT BE BASED EITHER STRUCTURALLY OR FUNCTIONALLY ON TURNHALLE  
CONSTITUTION (ALTHOUGH APPOINTEES WILL BE DRAWN LARGELY  
FROM TURNHALLE PARTICIPANTS). TURNHALLE CONSTITUTION WILL  
NOT BE IMPLEMENTED BY SA PARLIAMENT. VORSTER AND BOTH  
SAID THAT, BASED ON CG'S EXPLANATION, THEY  
HAVE ENTIRELY NEW CONCEPTION OF WHAT UN-SUPERVISED ELECTIONS

INVOLVES. VORSTER INDICATED HE COULD LIVE WITH THIS. CG WILL PRESS FOR MORE DETAILS ABOUT THE PROPOSED ADMINISTRATIVE AUTHORITY FOR NAMIBIA. IT WILL ALSO PROBE MORE ON QUESTIONS OF POLITICAL PRISONERS AND SWAPO PARTICIPATION IN THE POLITICAL PROCESS -- QUESTIONS CONCERNING WHICH THE SAG HAS NOT YET PROVIDED SATISFACTORY ANSWERS. END SUMMARY.

2. AT OPENING OF THIS MORNING'S MEETING WITH POK BOTHA AND BRAND FOURIE, MICHAEL SHENSTONE OF THE CANADIAN DELEGATION DELIVERED AGREED TALKING POINTS (REFTEL B) ON BEHALF OF THE CONTACT GROUP. IN REPLY, BOTHA FOCUSED ON THE LAST POINT, I.E., OUR REITERATED CONCERN ABOUT POSSIBLE ADVERSE CONSEQUENCES ARISING FROM INSTALLATION OF AN INTERIM GOVERNMENT, AND OUR REQUEST FOR DETAILS OF WHAT SAG HAS IN MID REGARDING THIS SUBJECT.

3. BOTHA REPEATED THAT VORSTER IS IRREVOCABLY COMMITTED TO "A MORE CENTRALIZED FORM OF LOCAL GOVERNMENT, OR 'ADMINISTRATIVE REARRANGEMENT,' OR WHATEVER ONE TERMS IT." HE SAID THAT BECAUSE HE HAD NOT YET HAD SUFFICIENT TIME TO DISCUSS THIS THOROUGHLY WITH TURNHALLE REPRESENTATIVES, HE WAS UNABLE TO PROVIDE US WITH CLARIFICATION OF WHAT EXACTLY WAS MEANT BY ADMINISTRATIVE REARRANGEMENTS. HOWEVER, HE STRESSED THAT SAG PROPOSAL IS (A) NOT CONTRARY TO SUBSTANCE OF RESOLUTION 385, (B) INVOLVES NO MORE THAN DEVOLUTION OF MORE "UNITARY ADMINISTRATION" (AS OPPOSED TO HOMELAND OR ETHNIC BASED GOVERNMENT FUNCTIONS) TO PEOPLE OF SWA, AND (C) NECESSARY AS A PRELUDE TO ANY OTHER CHANGES ALONG LINES OF 385.

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4. COMMENT. PRIVATELY FOURIE HAS TOLD CG MEMBERS THAT BOTHA CANNOT TELL US AT THE NEGOTIATING TABLE THAT THE TRANSFER OF CONTROL OVER SOME ADMINISTRATIVE FUNCTION FROM SAG TO SWA WILL MAKE IT POSSIBLE FOR THE ABOLITION OF RACIALLY DISCRIMINATORY LAWS AND REGULATIONS. IF SOUTH AFRICA RETAINED FULL CONTROL, FOURIE SAID, IT WOULD BE DIFFICULT FOR THE VORSTER GOVERNMENT TO DO THINGS OF THIS SORT FOR SWA WHICH IT WAS IN NO WAY PREPARED TO DO IN SOUTH AFRICA ITSELF.

5. REMAINDER OF MORNING SESSION CENTERED ON QUESTION OF UN SUPERVISION AND CONTROL OF ELECTIONS. BOTHA SAID TURNHALLE PEOPLE WERE FEARFUL THAT UN, BECAUSE IT HAD RECOGNIZED SWAPO AS SOLE, LEGITIMATE REPRESENTATIVE OF NAMIBIAN PEOPLE, WOULD NOT BE IMPARTIAL IN ANY INVOLVEMENT IN NAMIBIA. IN HOUR-LONG EXCHANGE ON THIS SUBJECT, THE CG TRIED TO ANSWER THE FEAR (WHICH SAG OBVIOUSLY SHARED WITH TURNHALLE). CG MEMBERS CITED THE RECORD

OF PREVIOUS CASES OF UN SUPERVISION OF ELECTIONS. THEY EMPHASIZED THE IMPARTIALITY OF UNSYG WALDHEIM AND IMPORTANCE OF HIS ROLE IN NAMIBIAN SETTLEMENT. WE POINTED OUT WHAT SUPERVISION AND CONTROL OF AN ELECTORAL PROCESS COULD INVOLVE, AND THAT IT DID NOT MEAN ADMINISTRATIVE OR GOVERNING CONTROL OF THE COUNTRY. AND WE TALKED IN GENERAL TERMS OF A JURIDICAL ELEMENT WHICH COULD HANDLE DISPUTES THAT COULD ARISE CONCERNING THE ELECTORAL PROCESS. WE ALSO NOTED THAT WHAT WE WERE SAYING WAS INDICATIVE AND BY WAY OF EXPLANATION; WE WERE NOT IN A POSITION TO MAKE ANY SPECIFIC PROPOSALS TO THE SAG.

6. VORSTER WAS PRESENT FOR AFTERNOON SESSION, WHICH BEGAN AT 3:30 PM. BOTHA OPENED BY SUMMARIZING THE TWO MAJOR POINTS OF THE MORNING'S DISCUSSIONS. HE THEN SAID THAT CG HAD GIVEN HIM A COMPLETELY NEW UNDERSTANDING OF WHAT UN INVOLVEMENT MIGHT

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MEAN. HE REGARDED THIS AS A BREAKTHROUGH ON A PROBLEM WHICH HE SAID HAD BEEN AN OBSTACLE TO SETTLEMENT OVER THE PAST THREE DECADES. THE CONSTRUCTIVE ATTITUDE THAT BOTHA AND VORSTER DISPLAYED THROUGHOUT THE AFTERNOON REPRESENTED A SIGNIFICANT TURN-AROUND FROM THE TOUGH, UNCOMPROMISING STANCE TAKEN IN YESTERDAY'S MEETINGS.

7. TURNING FIRST TO THE MATTER OF "ADMINISTRATIVE REARRANGEMENTS" FOR NAMIBIA, VORSTER ENDEAVORED TO ANSWER OUR QUESTIONS ABOUT WHAT THE SOUTH AFRICANS HAD IN MIND. ACCORDING TO HIM, EXISTING ETHNIC-BASED GOVERNMENTS CONTROLLING GIVEN AREAS WITHIN NAMIBIA WOULD CONTINUE TO FUNCTION. BUT OVERALL ADMINISTRATION OF THE TERRITORIES FOR THOSE FUNCTIONS WHICH ARE NOT CARRIED OUT BY LOCAL AUTHORITIES WOULD BE TRANSFERRED FROM SAG TO AN "ADMINISTRATIVE AUTHORITY" COMPOSED OF SOUTH WEST AFRICANS. BEFORE GOING FURTHER, HE SAID HE WAS DOING HIS BEST TO MEET A COMMITMENT TO THE TURNHALLE GROUP ON THE ONE HAND, AND OUR "DEMANDS" ON THE OTHER. IN TERMS OF THE LATTER, HE WOULD DEFER INTRODUCTION OF LEGISLATION TO IMPLEMENT THE TURNHALLE CONFERENCE. TO MEET HIS COMMITMENT, BUT IN A WAY COMPATIBLE WITH WHAT WE WANTED, HE SAID: "I SEE NO OTHER WAY THAN WE AGREE THAT A LAW BE PASSED BY PARLIAMENT TO EMPOWER THE STATE PRESIDENT TO CALL INTO BEING A CENTRAL ADMINISTRATIVE AUTHORITY FOR THE ENTIRE TERRITORY WHICH WOULD FUNCTION UNTIL SUCH TIME AS ELECTIONS CAN BE HELD."

8. AFTER FURTHER PROBING BY CG, HE GAVE FUTURE OUTLINE OF WHAT WAS INVOLVED. HE SAID THE ESTABLISHMENT OF THE ADMINISTRATIVE AUTHORITY WOULD NOT INVOLVE THE TURNHALLE CONSTITUTION AS SUCH. THE SATE PRESIDENT WOULD HAVE TO APPOINT "CERTAIN PEOPLE, WHO WILL HAVE TO BE EMPOWERED TO ENACT ORDINANCES TO ADMINISTER

THE TERRITORY UNTIL A DULY ELECTED GOVERNMENT COMES INTO BEING."  
AT THE VERY LEAST SOME OF THESE PEOPLE WILL BE THOSE NOW  
PARTICIPATING IN TURNHALLE CONFERENCE. HE COULD NOT LEAVE  
OUT "THE ACKNOWLEDGED LEADERS OF SOUTH WEST AFRICA."

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9. THE ADMINISTRATIVE AUTHORITY WOULD NOT HAVE THE COMPOSITION  
AND STRUCTURE AS IS DETAILED IN THE TURNHALLE DRAFT CONSTITUTION.  
IT WOULD BE A "COMMITTEE" WHICH WOULD MAKE THE DAY-TO-DAY  
DECISIONS REGARDING THE ADMINISTRATION OF THE TERRITORY.  
FUNCTIONS SUCH AS, FOR EXAMPLE, WATE SUPPLY, WHICH NOW IS  
ADMINISTERED BY THE SOUTH AFRICAN DEPARTMENT OF WATER AFFAIRS,  
WOULD DEVOLVE TO THE NEW CENTRAL ADMINISTRATIVE AUTHORITY OF SWA.  
ASKED THAT IF IN THE EVENT CONTROL OF THE DEPARTMENT OF BANTU  
ADMINISTRATION WOULD BE GIVE OVER TO WINDHOEK, WHETHER THE  
ADMINISTRATIVE AUTHORITY WOULD HAVE THE POWER TO DESEGREGATE  
EDUCATION THROUGHOUT THE TERRITORY, VORSTER REPLIED, "IT WOULD  
HAVE THE RIGHT." HE SAID THERE WOULD BE NO CENTRAL LEGISLATIVE  
APPARTUS SUCH AS THE THREE-TIER FORM OF GOVERNMENT, OR THE  
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KIND OF NATIONAL ASSEMBLY PROVIDED FOR IN TURNHALLE CONSTITUTION.

10. THE SOUTH AFRICAN STATE PRESIDENT, VORSTER SAID, WOULD RETAIN THE POWER TO VETO ANY ENACTMENTS OF THE SWA ADMINISTRATIVE AUTHORITY. HE SAID THIS WOULD BE DONE TO AVOID ANY "POSSIBLE RUNAWAY LEGISLATION" WHICH WOULD BE CONTRARY TO THE INTERESTS OF THE FIVE WESTERN GOVERNMENTS. IMPLICATION WAS THAT IF THE ADMINISTRATIVE AUTHORITY TOOK ACTIONS WHICH COULD UPSET PROGRESS TOWARD A SETTLEMENT, VORSTER COULD INTERVENE.

11. RESPONDING TO QUESTIONS, HE SAID THAT THE ADMINISTRATIVE AUTHORITY WOULD DO THE "GROUND WORK FOR ELECTIONS," AND (IMPORTANTLY) THAT ELECTIONS WOULD BE FOR A CONSTITUENT ASSEMBLY TO DRAFT THE FINAL CONSTITUTION. CG TOLD VORSTER THAT HE HAD GIVE US USEFUL INFORMATION, BUT WE WERE NOT AUTHORIZED TO ACCEPT OR REJECT HIS PROPOSALS. (AT ONE POINT WE DID THIS WHEN HE SAID THAT "IF YOU GIVE ME THE GREEN LIGHT," HE WOULD HAVE THE NEW GOVERNMENTAL SETUP IN NAMIBIA IN PLACE WITHIN TWO OR THREE WEEKS.") NEVERTHELESS, HIS PROPOSAL FOR A CENTRAL AUTHORITY WAS SUCH THAT IT WOULD NOT NECESSARILY COMPLICATE OUR TASKS. HOWEVER, WE WOULD NEED FURTHER DETAILS CONCERNING THE ADMINISTRATIVE AUTHORITY. VORSTER STATED THAT HIS IDEA OF THE KIND OF CENTRAL OR ADMINISTRATIVE AUTHORITY HE HAD OUTLINED WAS BRAND NEW, IN RESPONSE TO THE PRESENTATION BY THE CG THE PREVIOUS DAY. CONSEQUENTLY, HE COULD NOT PROVIDE FURTHER DETAILS AT THIS TIME.

12. REFERRING TO CG'S EXPLANATIONS REGARDING UN SUPERVISION OF ELECTIONS, BOTHA REPEATED THAT HE THOUGH THIS REPRESENTED A "FORWARD STEP." VORSTER ASKED TO HEAR MORE ON THIS, AND CG MEMBERS RESPONDED ACCORDINGLY. VORSTER THEN RESPONDED THAT "UNITED NATIONS INVOLVEMENT TO THE EXTENT YOU HAVE DESCRIBED IS SOMETHING I CAN CONSIDER." HE SAID THE ELECTIONS AND THEIR SUPERVISION APPEARED TO HIM TO BE BASICALLY NO DIFFERENT FOR THE WAY ELECTIONS ARE CONDUCTED IN SOUTH AFRICA. BUT HE PLEADED THAT WE AVOID USE OF THE WORD "CONTROL", FOR THIS WOULD BE

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TAKEN BY HIS PEOPLE AND THE PEOPLE OF SOUTH WEST AFRICA AS TOTAL CONTROL BY THE UN OVER THE GOVERNING PROCESS PRIOR TO ELECTIONS, AND NOT JUST CAREFUL SUPERVISION OF THE ELECTORAL PROCESS.

13. VORSTER SAID THAT ALL WHO WANT TO RETURN TO SOUTH WEST AFRICA TO PARTICIPATE IN PEACEFUL ELECTIONS COULD DO SO, AS LONG AS THEY ARE "SEEN TO COME BACK PEACEFULLY."

THE QUESTION OF POLITICAL PRISONERS PRESENTED A DIFFICULTY, HOWEVER, HE SAID HE WOULD NOT RELEASE PERSONS WHO WERE "CONVICTED OF CRIMINAL OFFENSES."

14. THE MEETING CONCLUDED WITH CG MEMBERS REITERATING THAT WE COULD GIVE NO GUARANTEE THAT SOUTH AFRICAN PROPOSALS WOULD BE ACCEPTED. FURTHERMORE, WE NEEDED TO HAVE MORE DISCUSSIONS CONCERNING MATTERS WHICH HAD NOT BEEN SATISFACTORILY EXPLORED. VORSTER SAID HE WAS VERY IMPRESSED WITH THE MOOD AND SUBSTANCE OF THE DISCUSSIONS THUS FAR, HE BELIEVED REAL PROGRESS HAD BEEN MADE, AND THAT INDEED WE MIGHT ACHIEVE WHAT HAS BEEN CONSIDERED AS IMPOSSIBILITY.

15. COMMENT: WE BELIEVE TALKS HAVE RESULTED IN SOME PROGRESS. ESTABLISHMENT OF A "CENTRAL ADMINISTRATIVE AUTHORITY" COMPOSED LARGELY OF TURNHALL PARTICIPANTS COULD POSE SERIOUS PROBLEM, ESPECIALLY SINCE WE STILL DO NOT HAVE SUFFICIENT DETAILS ABOUT THIS BODY. HOWEVER, FACT THAT TURNHALL CONSTITUTION WILL NOT BE IMPLEMENTED, AND THAT THE ADMINISTRATIVE AUTHORITY WILL NOT BE PATTERNED ON FEATURES OF THAT CONSTITUTION, OFFERS SOME ENCOURAGEMENT. BUT WE CANNOT MAKE EVEN A TENTATIVE JUDGEMENT FROM HERE WITHOUT MORE DETAILS.

16. VORSTER'S AND BOTHA'S EXPRESSED REACTION TO DISCUSSION ON MEANING OF UN SUPERVISION OF ELECTIONS, AND THEIR STATED AGREEMENT THAT ELECTIONS WILL BE FOR A CONSTITUENT ASSEMBLY TO DRAFT THE FINAL CONSTITUTION APPEAR TO BE POSITIVE FACTORS WITH RESPECT TO OUR OBJECTIVES.

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17. UNRESOLVED IS PROBLEM OF VORSTER'S INDICATION HE WOULD NOT BEND ON ISSUE OF POLITICAL PRISONERS. QUESTION OF SWAPO PARTICIPATION COULD PRESENT US WITH FURTHER DIFFICULTY. AND WE NEED MORE DETAILS ON STRUCTURE OF NEW ADMINISTRATIVE AUTHORITY AND HOW IT WILL OPERATE. WE INTEND TO EXPLORE ALL THESE ISSUES TOMORROW, WHICH PROBABLY WILL BE LAST DAY OF TALKS. WE WILL ALSO DISCUSS THE MATTER OF NEXT STEPS IN MOVING FORWARD TO ESTABLISH A FRAMEWORK FOR A NEGOTIATING PROCESS. BOWDLER

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